

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA *ex rel.*
LUIS MUNOZ,

Plaintiff,

v.

RAYMOND LESKO,

Defendant.

23 Civ. 8031 (PMH)

UNDER SEAL

ORDER

The United States of America having now declined to intervene pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4)(B), with respect to the claims raised in the Complaint filed by the relator in the above-captioned action;

IT IS ORDERED THAT,

1. The Complaint shall be unsealed thirty days after entry of this Order and, in the event that the relator has not moved to dismiss this action, service upon the defendant by the relator is authorized as of that date. If the relator voluntarily dismisses the complaint pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure within this thirty-day period, the relator may seek to modify this Order with the consent of the United States or by motion on notice to the United States.

2. All documents filed in this action prior to the entry of this Order shall remain under seal and not be made public, except for, thirty days after entry of this Order, the Complaint, this Order, and the Government's Notice of Decision to Decline Intervention (the "Notice of Decision"). The relator will serve upon the defendant this Order and the Notice of Decision only after service of the Complaint.

3. Upon the unsealing of the Complaint, the seal shall be lifted as to all matters occurring in this action subsequent to the date of this Order.

4. The parties shall serve all pleadings, motions, and notices of appeal filed in this matter, including supporting memoranda, upon the Government. The Government may order any transcripts of depositions. The United States may seek to intervene with respect to the allegations in the relator's complaint, for good cause, at any time, or may seek dismissal of this action after intervention.

5. All further orders of this Court in this matter shall be sent to the Government by the relator.

6. Should the relator propose that this action or any of its allegations be dismissed, settled or otherwise discontinued, the relator must solicit the written consent of the Government before applying for Court approval.

Dated: White Plains, New York
October 24, 2023

SO ORDERED:



HONORABLE PHILIP M. HALPERN
UNITED STATES DISTRICT JUDGE